

STATE OF MICHIGAN
COURT OF APPEALS

MICHAEL KNOLL,

Plaintiff/Counter-Defendant-
Appellant,

v

CHEWD, LLC,

Defendant/Counter-Plaintiff-
Appellee,

and

CHEWD HOLDINGS, LLC, ABHIJEET
KUMAR, BENJAMIN TATUM, and PETER
ZORA,

Defendants-Appellees.

UNPUBLISHED
April 26, 2016

No. 325588
Wayne Circuit Court
LC No. 13-015135-CK
14-003318-CB

Before: JANSEN, P.J., and SERVITTO and M. J. KELLY, JJ.

JANSEN, P.J. (*concurring in part and dissenting in part*).

I agree with the majority in all respects except with regard to its conclusion that remand is necessary in order to provide plaintiff with an opportunity to amend his pleadings. Amendment of the complaint would be futile as plaintiff attempts to change the consideration outlined in the agreement from shares in the company to a monetary amount. Because there is no profit, plaintiff cannot show that the shares have value or have diminished in value. Therefore, I agree with the trial court that the lawsuit was premature. Consequently, I would affirm the trial court's decision to grant summary disposition in favor of defendants.

/s/ Kathleen Jansen